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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 DAMIEN RIVERO,) 3:04-cv-00495-HDM-VPC
10 Plaintiff,)
11 vs.) ORDER
12 JACKIE CRAWFORD, et al.,)
13 Defendants.)
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15 The court has considered the report and recommendation of the
16 United States Magistrate Judge (#83) filed on August 16, 2006, in
17 which the Magistrate Judge recommends that this court grant in part
18 and deny in part defendants' motion for summary judgment (#67).
19 Plaintiff opposed (#71), filed a supplemental opposition (#75), and
20 filed a second supplemental opposition (#80) to the summary
21 judgment motion. No objections to the report and recommendation
22 have been filed, and the time for filing any objections has
23 expired.

24 The court has considered the pleadings and memoranda of the
25 parties and other relevant matters of record and has made a review
26 and determination in accordance with the requirements of 28 U.S.C.

§ 636 and applicable case law, and good cause appearing, the court hereby

1 **ADOPTS AND ACCEPTS** the report and recommendation of the United
2 States Magistrate Judge (#83). Therefore, defendants' motion for
3 summary judgment (#67) is **GRANTED in part** as to count I,
4 plaintiff's claim that Nevada Department of Corrections policy
5 authorizes excessive force against inmates, and **DENIED in part** as
6 to count I, plaintiff's claim that defendant Garchow used excessive
7 force against plaintiff; **GRANTED** as to count II; and **GRANTED in**
8 **part** as to count III, with respect to plaintiff's claims that he
9 was subjected to retaliatory cell searches generally and subjected
10 to false disciplinary charges in connection with a damaged cell
11 light, and **DENIED in part** as to count III, with respect to
12 plaintiff's claim that a razor blade was planted in his cell.

13 It is so **ORDERED**.

14 DATED: This 27th day of September, 2006.

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18 UNITED STATES DISTRICT JUDGE
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